

## On account of רבי נתן

## מדרבי נתן –

### OVERVIEW

can collect his debt directly from לוי, and לוי cannot claim that you have no business with me. ר"נ rules according to תוספות.

הלכה כרבי נתן דרבא<sup>1</sup> בפרק כל שעה (פסחים לא, א) לא מתוקמא מלתיה אלא כרבי נתן<sup>2</sup> –  
The ruling is according to ר' נתן for רבא in שעה כל פרק could not establish his ruling only according to ר"נ; this is -

גבי פלוגתא דלמפרע הוא גובה דאביי ורבא וקיימא לן כרבא בר מייע"ל קג"ם<sup>3</sup> –  
Regarding the dispute between רבא אביי whether a lender collects his debt retroactively or not, and we have established that the rule is like רבא whenever he argues with אביי except for the six disputes known as יע"ל קג"ם<sup>4</sup>.

ורבינו תם בתחלה רצה לומר דאין הלכה כרבי נתן<sup>5</sup> ושוב חזר בו ואין להאריך כאן:  
And initially the ר"ה wanted to say that the הלכה is not like ר"נ, and then he retracted (and agreed that the הלכה is כר"נ)<sup>6</sup>, and there is no need to expound on this issue here.

<sup>1</sup> רבא maintains that when a מלוה collects his debt from the לווה it is considered as if it came into the possession of the מלוה (only) at the time when he actually collected it (not like אביי who maintains that if the מלוה collected something from the לווה it is considered as if the מלוה owned it from the time of the loan [so according to אביי if the מלוה sold or was מקדיש this item before he eventually collected it from the לווה, the מכירה and הקדש are effective, and רבא disagrees]).

<sup>2</sup> The גמרא there cites a ברייתא which states if רבא sold a field to שמעון with אחריות (if the field should be taken away from שמעון for any reason רבא will reimburse שמעון), however שמעון did not pay for the field and רבא considered it a loan that שמעון owes רבא. After רבא died (and שמעון still did not pay his loan) the מלוה of רבא came to collect the field from שמעון (which was משועבד to his loan) and שמעון gave this מלוה the money which he owed to רבא (and kept the field). The ברייתא rules that the יתומים can claim that you had no right to give the money to the מלוה for the money is מטלטלין and they are not משועבד to the מלוה, and as far as your right to אחריות goes, there is no אחריות because our father רבא left us no קרקע only מטלטלין which are not משועבד to your אחריות, therefore you still owe us the money for the field (which was made into a loan). רבא stated that שמעון can give them the קרקע back as payment for their loan (from רבא) and then he can claim it back since he bought his field באחריות. The גמרא asks if we assume מלמדין this is understood since it is considered as if רבא received this field at the time of the sale/loan and the יתומים inherited קרקע from which שמעון can demand his אחריות, if however הוא גובה, it is as if the יתומים just bought קרקע and there is no שעבוד on this קרקע. The גמרא answered that according to רבי נתן it is understood for שמעון owes the money (to רבא) and שמעון is owed money (by רבא for the אחריות), therefore he can retain the field, עיי"ש.

<sup>3</sup> This acronym stands for גלוי דעתא, קדושין שלא נמסרו לביאה, גלוי דעתא, בגיטא, מומר אוכל נבילות להכעיס רבא אביי against הלכה.

<sup>4</sup> Since in order to justify רבא we need the ruling of ר"נ this proves that we follow the ruling of ר"נ.

<sup>5</sup> See תוספות הרא"ש for the reason.

<sup>6</sup> See 'Thinking it over'.

## **SUMMARY**

We rule like ר"נ.

## **THINKING IT OVER**

תוספות proves that the הלכה is כר"נ from the גמרא in פסחים.<sup>7</sup> Why could not תוספות prove that the הלכה is כר"נ from our גמרא which states that ת"ר אין לו קרקע וכו' that כותבין עליו פרוסבול מדר"נ and no one argues on this דין? This would seem to be a more conclusive proof!<sup>8</sup>

---

<sup>7</sup> See footnote # 6.

<sup>8</sup> See תפא"י.